M. A. PLANTE
14 Farwell Lane
P.O. Box 1247
New London, NH 03257
603-526-9331

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May 22, 1995

Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Re: ET Docket
No.95-19

Dear Sir/Ms:

The following comments are in response to the Notice of Proposed Rulemaking, dated February 7, 1995, whose subject is amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices.

Introduction

As a brief introduction, please allow me to state that I have spent a lifetime (since 1945) in various telecommunications engineering environments. Most of my career has been as a technician, engineer, and manager in R&D and testing laboratories. I therefore hope that my comments will be accepted as an effort to contribute to an equitable and workable change in the rules regarding PC's and their peripherals, this based on a considerable amount of experience. (Please see Appendix A for more detailed credentials).

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List A B C D E

General Comments

Let me say from the outset that I am favorably disposed toward the objectives and methods of implementation of this amendment. I expect that the industry will wholeheartedly support a change from FCC approval of an application for equipment authorization to a supplier's testing and issuing a statement of compliance. The elimination of application turn-around time, resulting in an accelerated "FCS" (first customer ship) date for manufacturers and distributors, would be an important step forward in their quest to compete, both domestically and internationally.

In addition, I consider the proposed safeguard of requiring test laboratories, whether they be the manufacturer's, the assembler's, the distributor's, or commercial test houses, to obtain NVLAP (or similar) accreditation as vital to the success of the program. I expect that such a testing laboratory accreditation requirement will meet with resistance from some areas of the industry. Because of my very strong feelings in its favor, my comments will dwell largely on the need for this facet of the change in the rules.

Testing Laboratory Accreditation

Throughout much of the 1980's, I managed a testing laboratory called "Compliance Engineering - PSTN Terminals." for what was, at the time, one of the largest computer manufacturers in the U.S. My responsibilities put me in a position to directly affect the FCC Part 68 Application for Registration schedule and thereby the first customer ship date for all of its PSTN interface products. It was a position with major impact on many interrelated functions and at the same time, a position fraught with pressures from many quarters to avert any delay in the all-sacred FCS date.

Over the many years of my telecom career, I have also had the opportunity to work with, do business with, and visit many testing laboratories and their personnel. From these experiences, I can attest to widespread competence,

integrity, and professional pride within the industry. However, these attributes are far from one hundred percent. Because of this and the added potential for "honest errors", I submit the following reasons why a certain amount of surveillance is required to insure the success of the program.

Without laboratory accreditation, the road is wide open for violations, intentional or unintentional, and other contributors to errors. For example:

a) inadequate testing site;
b) inadequate testing facility;
c) inadequate test equipment;
d) uncalibrated test equipment;
e) defective test equipment;
f) insufficiently trained testing and/or supervisory personnel;
g) poor record-keeping;
h) lack of quality control; and
i) lack of accountability to an outside body can reduce the effective authority of those responsible for declaring the product compliant.

The accreditation requirement would pose an added expense which, of course, would affect the smaller operators more than the larger ones. However, when looked at from the standpoint that in order to comply with the rules, all of the test site, test equipment, calibration, maintenance, and personnel training must be invested in, even without laboratory accreditation, the added expense should not be significant in most cases. Factor in the savings expected due to this change in the rules, it should more than offset the added expenses of accreditation.

One can also raise an issue of fairness here. Is it fair to award all unaccredited labs the same trust and credibility awarded to those with demonstrated trust and credibility via accreditation?

Other Testing Laboratory Accreditation Considerations

As to the agencies that could be responsible for accreditation, I would prefer a government agency. NVLAP is already equipped, staffed, and experienced in this field. However, other independent bodies such as engineering or standards societies, willing to undertake the task could be acceptable.

A transition period allowing laboratories the option to continue obtaining FCC certification until they have had the opportunity to become (NVLAP) accredited would certainly ease the change. Two years has been suggested. I would favor this as the bare minimum.

Labeling and Customer Information

I support the move to a label with a universal logo and no variable information unique to the product (serial numbers, date of manufacture, etc.). Serialized labels can be a costly nuisance to the manufacturer who usually provides an outside printer with the task of producing them. Unique labels almost always entail the loss of economy-of-scale advantages, delays due to product-unique information, and other delays due to label vendor problems, etc. There are few bigger frustrations for a manufacturer than the delay of a first customer ship date, not due to engineering problems frequently attendant to a complex piece of machinery, not due to production line breakdown, or supplier delays, but due to label delay! A universal label minimizes its effect on FCS.

Something else can be said of label content. As administrators of Parts 15 and 68 can readily testify, an FCC label on a product is frequently interpreted by the consumer as a "Good Housekeeping Seal of Appproval". Given that the changes proposed are directly affecting home-type products, I would suggest that the label include such words as : "Complies with FCC radio emission standards" thus (hopefully and clearly) explaining the intent and scope of the label. This could help in educating the consumer and

relieving the FCC administrators of quality- and performance-related complaints.

Further, the complete lack of a label leaves a "loose end" to the requirement for testing laboratory accreditation. An FCC label can be an assurance that the consumer is protected from the liabilities attendant to any manufacturer- or supplier-caused violations of the emissions laws. The consumer has a right to expect a certain amount of oversight and (by a label) to be reassured of that oversight.

As a last note to this labeling and customer information section, I strongly support the requirement for inclusion of information in the user manual as to the steps to be taken in the event that the equipment causes intrerference. This section should also include an explanation of the meaning of the label over and above the inclusion of a Declaration of Compliance certificate with the product.

Other Considerations

Deregulation certainly has its advantages. If only domestic products were distributed in a domestic market for domestic consumption and use, the task of compliance surveillance would probably be a relatively easy one. However, international trading poses a need for restraint on deregulation in order to protect our own industries. As long as many of our trading partners impose laboratory accreditation requirements, we can do no less than to reciprocate. Without this approach, in this case, we will leave ourselves wide open to become a dumping ground for international products which are less than compliant with our regulations

An excellent example of well-justified protective measures in the regulatory area is the Canadian Department of Communications' decision to adopt Hearing Aid Compatibility requirements for all telephone sets manufactured and imported into Canada. This came as a direct result of such a regulation in the U.S. resulting from Congressional action in the late 1980's. The DOC requirements, incidentally,

include testing in a DOC approved laboratory.

Conclusion

Because of the significant potential for non-compliance and the tremendous proliferation of the products in question, I can think of no more feasible way to assure compliance with the standards than to require NVLAP or equivalent accreditation of the testing facility. In addition, I recommend that the dialogue continue between the FCC and the industry to explore alternative and simplified methods of testing with the objective of reducing costs while minimizing the potential for non-compliance.

Yours very truly,

M. A. Plante

Copies to:

FCC (original plus 9)
Mr. Jeffrey Horlich - NIST
Mr. Eric Lindstrom - NIST
Mr. William von Alven - FCC Part 68 Administrator

APPENDIX A

Brief Resume of M. A. Plante:

Mr. Plante's background comprises a lifetime of professional experience in the telecommunications industry including over thirty-two years with the "old" Bell System prior to its breakup in 1984. Twenty-five of those years were spent with Bell Labs in circuit and systems design. Other assignments included product planning and field support.

He later joined a major computer manufacturer where he was responsible for the design, construction, equipping, and staffing of a telecommunications standards measurement laboratory which he managed for eight years. His laboratory's responsibilities included FCC Part 68 and international PTT requirements measurements and application preparation. He was one of the first five recipients of the FCC Award for Technical Excellence in Part 68 Application Preparation.

He was a member of the EIA/TIA TR41.9 Committee which produced TSB31, the Part 68 Rationale and Measurement Guidelines, throughout its entire development period.

Since 1992 he has been one of NVLAP's Electromagnetic Compatibility and Telecommunications laboratory assessors.